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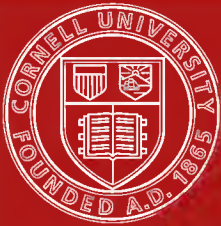
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Colonial Schemes of Popham and Gorges.

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S P E E C H

OF

JOHN WINGATE THORNTON, ESQ.,

AT THE

FORT POPHAM CELEBRATION,

AUGUST 29, 1862,

UNDER THE AUSPICES OF THE

MAINE HISTORICAL SOCIETY.

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## S P E E C H .

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MR. THORNTON was invited to respond to the following sentiment:

*The Saco*—The home of Vines and his companions in 1616, and the first seat of Justice, in which the forms of the common law were put into practice.

*Mr. President and Gentlemen of the Maine Historical Society:*

The present might at first seem peculiarly unseasonable for an occasion like this, but a recurrence to the history of our political institutions, is ever worthy of wise and prudent men, and never before have such investigations been so forced upon our attention as now, when the nation is struggling for its very life, and every man seeks for the cause and cure of our national calamity.

The occasion, and the sentiment to which I have the honor to respond, naturally lead to inquiry into the political views and designs of Sir Ferdinando Gorges and his associates, as developed in their colonial schemes, the true character of their enterprises, and the latent causes of their failure, rather than into local details. Happily Sir Ferdinando has left in his "Briefe Narration" a condensed and lucid statement,<sup>1</sup> of the most authentic character, for he wrote of events and persons within his own knowledge; his book is a retrospect of his own labors, of an earnest life, of which one of his own sentences furnishes an epitome: "What can be more pleasing to a generous nature," he says, "than to be exercised in doing public good? Especially when his labour and industry tend to the private good and reputation of himself"<sup>2</sup>

and his posterity; and what monument so durable as the erection of houses, villages, and towns?"

The shores of New England were first pressed by the feet of English voyagers, not till some twenty years after Sir Humphrey Gilbert took formal possession in the new world, by turf and twig, for the crown of England. It was under the patronage of the friend of Shakspeare, Henry Wriothsley, the Earl of Southampton, of whom Gorges said, "I was not willing in those days to undertake any matter extraordinary without his Lordship's advice," that Bartholomew Gosnold, in 1602, attempted a *plantation* on "Elizabeth Island." This *FIRST*<sup>3</sup> attempt at English Colonization<sup>4</sup> on the shores of New England, productive of the most important results, was the occasion of this second and disastrous<sup>5</sup> enterprise by Popham and Gorges, which we now celebrate.

Not an Englishman was then to be found in all North America except the visitors on this spot, and those under President Wingfield just landed at Jamestown, the first permanent colony in the South.

The idea of founding a state has grandeur and dignity, but "the reasons" assigned by Gorges himself, for this attempt at colonizing wholly fail of these qualities. He says that by the peace which ensued between England and Spain on the accession of James of Scotland to the throne of England, "Our Men of war by Sea and Land were left destitute of all hope

<sup>1</sup> See note A.

<sup>2</sup> Note B.

<sup>3</sup> Note C.

<sup>4</sup> Note D.

<sup>5</sup> Note E.

of employment under their owne Prince; And therefore there was liberty given to them, (*for preventing other evils*) to be entertained as *mercenaries* under what Prince or State they pleased," but, says Gorges, "howsoever reasons of State approved thereof, the World forbore not to censure it." The State was burdened by these idle warlike people who "love danger better than travail;" some of them touched with the popular delusion that all America was full of gold and silver, were inclined to adventures in the New World, and this is the "reason" assigned by Gorges for "renewing the undertakings of Plantations in America" as planned by Sir Humphrey Gilbert.

The fact is not flattering, yet Sir Ferdinando wrote of his personal knowledge, his statement is corroborated by all the contemporary authorities, and it is specially verified by an early biographer of Chief Justice Popham, who says that "he not only punished malefactors,\* but provided for them, and first set up the discovery of *New England* to maintain and employ those that could not live honestly in the *Old*." The character of the colonists as handed down to us by the local historians, especially by Williamson, do not discredit the statements of Gorges and Lloyd, the biographer of Popham: indeed one of the real objects of the scheme,<sup>8</sup> and the immediate cause of its abandonment, was no doubt given by Strachey when he says "*there were no mynes discovered, nor hope thereof, being the mayne intended benefit expected to uphold the charge of the plantacion.*"

The enterprise was invested with all the *material*<sup>7</sup> strength which wealth and hope of gain could devise. There seems to have been no physical defect, and we must look to the "inward bruise" for the

latent<sup>9</sup> causes of its almost inevitable failure.

One member of the Virginia Company scanned these proceedings with the eye of a philosopher, and recorded his observations in one of his famous "Essays," that "Of Plantations":

"It is a shameful and unblessed thing to take the scum of people, and *wicked and condemned* men, to be the people with whom you plant; and not only so, but it spoileth the plantation, for they will ever live like rogues, and not fall to work, but be lazy, and do mischief, and spend victuals, and be quickly weary, and then certify over to their country to the discredit of the plantation. The people wherewith you plant *ought* to be gardeners, ploughmen, . . . . . but moil not too much underground, *for the hope of mines* is very uncertain, and useth to make the planters lazy in other things." And "if you plant where savages are, do not only entertain them with trifles and gingles, but use them graciously and justly."<sup>10</sup>

Judge Popham is now remembered<sup>9</sup> in England as an associate with Whitgift in his sanguinary persecutions, especially by his signature, in 1593, to the death warrant of Penry, one of the noble army of martyrs to civil and religious liberty, but he has an unhappy eminence with that great man, Sir Walter Raleigh, for, says the historian Graham, in his account of this colony of Sagadahoc, he "had three years before, presided with scandalous injustice at the trial of Raleigh, and condemned to the death of a traitor the man to whom both England and America were so greatly indebted."<sup>10</sup>

It is manifest from these antecedents that he was not troubled with any schemes for civil or religious liberty in America, or elsewhere, and that "cases of conscience," or scruples about "forms," or danger of "thinking beyond the rules," would not disturb his colonists. So closed the first chapter in Sir Ferdinando Gorges' experience.

The failure of Popham's experiment, and the ill reports of the colonists, discouraged<sup>11</sup> the spirit of colonization, and from

\*In his poetical epistle "to Ben. Johnneon, 6 Jan. 1608," Dr. John Donne shows the distinctive fame of the Chief Justice at that period:—

"And when I true friendship end,  
With guilty conscience let me be worse stung  
Then with Popham's sentence theeves, or Cook's,  
Traitors are."<sup>7</sup> [tongue,  
Donne's "Poems," Savoy, 1669, p. 197.

<sup>6</sup> Note F.

<sup>7</sup> Note G.

<sup>8</sup> Note H. <sup>9</sup> Note I. <sup>10</sup> Note J. <sup>11</sup> Note K.



that time the Company confined their operations to a few fishing voyages. Capt. JOHN SMITH, the greatest name in New England discovery, visited the coasts, and published maps and accounts of the country. But we learn from Sir Ferdinando's "Narrative," that it was at last represented to the Company, doubtless by himself, "how *necessary* it was that means be used to draw into those enterprises some of those families that had retired themselves into Holland for scruples of conscience,<sup>12</sup> giving them such freedom and liberty as might stand with their likings."

They had fled to Holland to escape the fate of Penry at the hands of Whitgift and Popham. In the parliament of 1592-3, on the motion of the bishops to make it "*felony to maintain any opinions against the ecclesiastical government,*" Sir Walter Raleigh said, "In my conceit the Brownists are worthy to be rooted out of a Commonwealth. But what danger may grow to *ourselves* if this law pass, it were fit to be considered. For it is to be feared men *not guilty* will be included in it. And that law is hard that *taketh life and sendeth into banishment*; where men's *intentions* shall be judged by a jury," [packed by the government,] "*and they shall be judges what another means. . . If two or three thousand Brownists meet at the sea, at whose charge shall they be transported, or whither will you send them? I am sorry for it, I am afraid there is near twenty thousand of them in England; and when they begone, who shall maintain their wives and children.*"

It seems to be retributive justice, that Gorges and his associates should be compelled to solicit the aid of these very men, and that to them should be given by Providence the lofty position of pioneers in American constitutional liberty, when sordid and unworthy motives had failed.

The Pilgrims at last yielded to the urgent solicitations of members of the Great Plymouth Company, and in the

winter of 1620, the "May Flower" found shelter within Gosnold's "Cape Cod."

This little company made, as Gorges described it, a "descent" within their territorial limits. More than half their number were women and children, the story of their sufferings is familiar to all, but they accomplished what Chief Justice Popham and all the organized force of England could not.

Gorges indulges in many reflections upon the successful colonization by the Pilgrims; as "how great and wonderful things are oftentimes accomplished by the least and weakest means," and "the happy success of those that are their own stewards and disposers of their own affairs," in contrast with *his own experience*, for he says, "*I found it no mean matter to procure any to go thither, much less to reside there; and those I sent knew not how to subsist but on provisions I furnished them withal.*" Again he writes that "*the liberty they [the Pilgrims] obtained thereby, and the report of their doing well, drew after them multitudes,*" "great swarms," "so that what I long before prophesied, when I could hardly get any for money to reside there, was now brought to pass." \*

There is a pleasing tradition that Plymouth Rock was first pressed by the feet of woman, the pioneer of our colonization, the central figure in the Christian home; her gentle presence was a surer pledge of success than were the stalwart soldiers under Popham's charge. Contrast with this the social policy, if any there was,<sup>13</sup> at Fort St. George, and at Jamestown. "When the plantation grows to strength," Lord Bacon advises, "*then it is time to plant with women as well as men;*" in that same year 1620, and afterwards, cargoes of young women were exported to Virginia, and sold for wives, at a hundred and fifty

\* An admirable "retrospect of the causes which rendered the first settlements in Massachusetts and Connecticut eminently successful, while the numerous attempts to settle Maine so generally proved abortive," by Robert Hallowell Gardiner, Esq., is in the *Maine Hist. Coll.* ii., 269-274; see also p. 38, and v., 226, 227, 233-242.

<sup>12</sup> Note L.

<sup>13</sup> Note F.

pounds of tobacco each, the debt for a wife having priority over all other claims!

The Pilgrims were a religious, high-minded people, on a religious errand, to erect a Christian Commonwealth. In their negotiations in England, preparatory to the enterprise, their agents represented them "as an industrious and frugal people. . . well weaned from the milk of their mother country, and enured to the difficulties of a strange and hard land which yet in great parte they have by patience overcome: that they were *knit together in a strict and sacred bond, by virtue of which they held themselves bound to take care of the good of each other and of the whole*, and that it was not with them as with other men, whom small things could discourage, or cause to wish themselves at home again; . . . a great hope and inward zeal they had of laying some good foundation, or at least to make some way thereunto, for the propagating the gospel of the kingdom of Christ in those remote parts of the world; yea, though they should be but even as *stepping-stones* unto others for the performing of so great a work." When ready to embark from Southampton, for America, in August, 1620, Weston, their agent, refusing to disburse even a penny for them, they wrote, "we are in such a strait at present, as we are forced to sell away sixty pounds' worth of our provisions to clear the Haven, and withall put ourselves upon great extremities, scarce having any butter, no oil, not a sole to mend a shoe, nor every man a sword to his side," destitute of many of the commonest comforts of life, "yet," say they, "we are willing to expose ourselves to such eminent dangers as are like to ensue, and trust to the good providence of God, rather than his name and truth should be evil spoken of for us." (Bradford, 22—27, 61—63.) The comparison which Gorges himself institutes between the Plymouth colonists and his own dependent, *hired*, servants, finely illustrates the remark of John Stuart Mill, that "one person with a *belief*, is a social

power equal to ninety-nine who have only *interests*."

Here, Mr. President, I beg your indulgence to dwell for a moment on the character of one eminently worthy of special commemoration as a representative man in the Colonial period of Maine. I refer to Rev. ROBERT JORDAN, of Spurwink, who, as a pioneer of the Church of England, of which he was a most loyal subject, as a large and very influential landed proprietor, with views nearly coincident with those of Gorges, and as a man of commanding position and energy, during a long life in the conflicts and vicissitudes which distinguish Maine, as the field where hostile social and political theories were on trial, stands out in fuller relief than any of his associates. A memoir of his life and times, in which he was the central figure, presenting an enlarged and philosophical view of the conflicting elements then at work, would be a volume of rare interest, and as every memoir should be written by one in sympathy with his subject, I beg leave to suggest it as a theme peculiarly appropriate for the pen of the hero's ecclesiastical brother, our accomplished Secretary.

At Sagadahoc disappointed hopes of gain, and unmanly fear, lowered the red cross flag of St. George, and the well supplied ships of relief returned to England freighted with stories of suffering<sup>14</sup> from the lips of strong men; at Plymouth, where more than half the number were women and children, and where the spring showers fell upon the graves of their governor and more than half their company, there was not one weak heart. They

— "joined in the morning prayer, and in the reading of Scripture,  
And. . . . in haste went hurrying down to the sea-shore,  
Down to the Plymouth Rock, that had been to their feet as a door-step  
Into a world unknown—the corner-stone of a nation ;

"Lost in the sound of the cars was the last farewell of the Pilgrims.  
O strong hearts and true! not one went back in the May Flower!  
No, not one looked back who had set his hand to this ploughing."  
*Longfellow.*

<sup>14</sup> Note G.

Passing Sir Ferdinando's attempt, under the patronage of the Council of Plymouth in 1623, to introduce his son Robert as Governor General of New England, and Rev. Mr. Morrell as Bishop,—the fruits of which were an elegant Latin poem by Mr. Morrell, and a comic passage in *Hudibras*; passing also the *absolute* power conferred on archbishop Laud, over New England in 1635, both of which<sup>15</sup> demonstrate Gorges' repugnance to the Puritan idea of self-government, we come to the Royal Grant of 1649, by which he was created "Lord and owner of the Province of Mayne in New England," under which, it is said, "the forms of common law were put in practice." This patent styles Gorges and his heirs "true and absolute lords\* and proprietors" of the immense territory granted; by it he was to establish the Church of England ritual and government, "with as much convenient speed as may be;" he had *exclusive* authority to create courts, commission and remove at his pleasure all officers, to "execute martial law," to make all laws and ordinances, "to be inviolably observed," to levy tolls or duties at his own sovereign pleasure, "without any account" thereof, even to the king, and the oath of office was "to my lord of the Province of Mayne."<sup>16</sup>

In true regal style he appoints "my well beloved cousin Thomas Gorges, Esq., Richard Vines, Esq., my servant and steward General, Henry Joselin, Esq., Francis Champernoou, Esq., my loving nephew, Richard Bonnythron, William Hooke, and Edward Godfrey, Esqs., to be my councillors for the due execution of Justice in such manner and form as by

<sup>15</sup> Hubbard's *Hist. of New Eng.*, Chap. xv., xxxvi. Bradford's *Plymouth*, pp. 148-154. *Hudibras*, Part ii., Canto ii., lines 408-440. Morton's *Memorial*, Davis' Ed., pp. 108-9. Hutchinson, i., 440-442.

\* Contrast with this odious, *seigniorial* tenure, the jubilant letter of a "New Plymouth" man, in 1621. "Wee are all Free-holders; the Rent-day doth not trouble us!" *Purchas' Pilgrims*, iv., 1840. Hazard, i., 120.

<sup>16</sup> The Grant, given at length in Sullivan's *Maine*, 397-408, will be profitable reading for any unhappy man who affects sympathy with the deas of Gorges and Popham.

my subscribed ordinances is directed made, established and ordained by me Sir Ferdinando Gorges, Knight, lord and proprietor of the Province of Mayne."

Here was not a vestige of civil or religious liberty; the system was based upon the doctrine declared by the University of Oxford, upon the day of execution of the patriot Russell, "*submission and obedience, clear, absolute, and without exception*, the badge and character of the Church of England." The design was to plant in New England that system of mental and political enslavement which was the one thought of the Stuart dynasty, the scorn of our age, and of all future times; and banished, as Hume and Macaulay tell us, by the Pymms, the Hampdens, Cromwells, Sydneys, and Russells, the MEN, the Puritans, of England.

Now let us turn for a moment to a different plan of society and government, as developed by the venerable Robinson in his letter to the Leyden Pilgrims, on their departure from the old world for the new:

"Whereas you are to become a *body politic*,† using amongst yourselves *civil government*, and are not furnished with any persons of special eminence above the rest, to be chosen by you into office of *government*, let your wisdom and godliness appear, not only in *choosing such persons* as do entirely love and will promote the common good, but also in *yielding unto them all the honor and obedience in the lawful ministrations*; not beholding in them the ordinariness of their persons, but God's ordinances for your good, not being like the *foolish multitude who more*

† A learned and able writer not in sympathy with the Republic, but of extreme "Churoh" and Tory views, says that "to ascribe to Washington, Franklin, Jefferson, or Adams, and their contemporaries, the whole merit of the invention and erection of that wonderful republic [of the United States] would be to rob the early planters of Massachusetts of their well earned fame. . . . a republic *de facto* was first formed at Plymouth, in 1620. . . . It is in the annals of these first republics of New England that we must trace the origin and history of almost every institution now existing in the United States. . . . We are struck with astonishment at the knowledge and consummate skill they displayed in laying the foundations of their political fabric."—Halliburton's "*Rule and Misrule in America*," New York, 1851, pp. 16-19.

*honor the gay coat*, than either the virtuous mind of the man, or glorious ordinance of the Lord. But you know better things, and that the image of the Lord's power and authority which the magistrate beareth is honorable, in how mean soever persons. And this duty you both may the more willingly and ought the more conscientiously to perform, because you are at least for the present to have only them for your ordinary governors, which *yourselves shall make choice of for that work.*"<sup>17</sup>

In this spirit the Pilgrims held their town meetings, the institution from which the philosophic De Tocqueville deduced<sup>18</sup> our free civil polity; it is the spirit of Christian brotherhood taught in our Saviour's prayer; it is the practice of the grand, broad truth, taught by our Lord in his discourse on the Sabbath, that institutions are made for man, and not man for them; it is the doctrine in which "we the people of the United States," "we the people of Maine," and of every free state, have devised and adopted our several Constitutions; it is the doctrine declared in our glorious Declaration of Independence, not a "glittering and sounding generality," but a Christian truth in which is the only hope of humanity, in the systematic violation of which we may find the sole cause of, and in the restoration of which, we shall find the sole remedy for, our present national calamity.

Have we not reason, Mr. President, in this review, to lift up our hearts with devout gratitude to Almighty God, that by his Providence the founding of our institutions was left to nobler men, with nobler thoughts—to the English Puritans—the chief of men—whom it is "the paltry fashion of this day to decry, who divided their inheritance between them in the reign of Charles I.; one body remaining at home, and establishing the English Constitution: one crossing the Atlantic, and founding the American Republic—the two greatest achievements of modern times."

## NOTES.

[NOTES and Authorities appended as proofs (some of the foregoing statements having been questioned) indispensable to a full and exact knowledge of the peculiarly interesting nature of Chief Justice Popham's colonial plans, and subservient to the objects of the MAINE HISTORICAL SOCIETY, as "tending to explain and illustrate the civil, ecclesiastical, and natural history of this State, and the United States," and under whose auspices the "Public Historical Celebration" at "Fort Popham" was announced. If any of the facts seem novel, and have been, for any reason, "overlooked by Puritan writers and those who follow their authority," yet they seem to be well established by Gorges, Alexander, Lloyd, Fuller, Bacon, Aubrey, Strachey, and other writers, less prejudiced perhaps, certainly not Puritans, and are submitted as "essential to the vindication of the truth of history."]

## A.—p. 3.

Gorges "wrote of events and persons within his own knowledge," yet he does not even allude to Gosnold's voyage of 1602, the *first* attempt at English Colonization in "North Virginia," nor once refer to Capt. John Smith, the great name and authority in such matters; nor does he escape grave error even in things circumstantially related as known to himself; for instance he says, (*Maine Hist. Coll.*, ii. 21, 22,) of the news from the Colony by the return ships which set sail from Sagadahoc, Dec. 15, 1607, (O. S.): "so soon as it came to Lord Chief Justice Popham's hands, he gave out order to the council for sending them back with supplies necessary....which being furnished and all things ready, *only attending for a fair wind*, which happened not before the news of the Chief Justice's death was posted to them." But Popham died June 10th, 1607, and had been "a mouldering in his grave" for many months before those return ships had left Sagadahoc; so that he did not receive tidings from his "colony," did not give orders for the supplies; his quick interest and action as represented by Gorges' words "so soon," is wholly a story of the imagination, for long ago summoned to his own dread account, *not these things* then troubled him; "the news of his death," so diligently "posted" to the wind-bound ships, was about a year old; "news" which had greeted them on their return to England; "news" not likely by *them* to be forgotten, the death of him who had banished the colonists for their country's good, and for whom they were then "prospecting" for "mynes" in America. Chief Justice Campbell (*Lives of the Chief Justices of England*, 1849, i. 209,) says that Popham "although at one time in the habit of taking purses on the highway,—instead of expiating his offen-

<sup>17</sup> Bradford, 64—67.

<sup>18</sup> Democracy in America, chap. v.

ces at Tyburn, he lived to pass sentence of death upon highwaymen, and be a terror to evil doers all over the kingdom."

"Sir John Popham, Knight, Lord Chief Justice of England; and of the honourable privie counsel of Queen Elizabeth, and after to King James; died the 10th of June 1607, and is here interred." *Collinson's Hist. of Somerset*, ii. 483. Harris' note to *Hubbard's Hist. New Eng.*, 683. *Maine Hist. Coll.*, ii. 77, where Gorges' "Narration" is reprinted, with differences.

### B.—p. 3.

In his exact and full account of Sir Ferdinando Gorges, Article xii. of "American Biography," Dr. Belknap says, that to entertain a just view of his character we must consider him both as a member of the council of Plymouth, pursuing the general interests of American plantations, and at the same time, as an *adventurer undertaking a settlement of his own grant of the Province of Maine*, confirmed by the King in 1639. "As this grant," says the historian Sullivan,\* "is to be considered as the origin of the western part of the District of Maine, the character of Sir Ferdinando may be connected with its history."

The jurist and statesman, Governor Sullivan, studied the history of his native † State, and weighed the records, character and motives of its founders with judicial discrimination.

Passing the details of the early life of Gorges, not all to his credit, ‡ Judge Sullivan says that he was "of an ancient but not opulent family; and was no doubt urged by the poverty of his situation as compared with others of his rank, to undertake some adventure that might increase his rent roll...pursuing a system nearly allied to the feudal principles which had prevailed in Europe, and expected to enjoy the profits at his ease without crossing the Atlantic...his expectations were very great from the American Adventure but all his hopes were disappointed, and he finally complained of having spent twenty thousand pounds, and of having reaped only toil, vexation and disappointment; that he was a man of great ambition, very avaricious, and very despotic, impatient under disappointment, and never considered a man of integrity. He wished to accumulate a

fortune, and to achieve a character. To perpetuate his reputation as Lord Proprietor, he gave the plantation of York the name of Gorgiana. He adhered to Charles and the royal side of the civil war."

### C.—p. 3.

THE FIRST attempt.—Captain John Smith says, (*Generall Historie*, folios 15, 16,) after the failures by Sir Richard Greenville and White, "all hopes of Virginia thus abandoned, it lay dead and obscured from 1590 till this yeare 1602, that Captaine Gosnoll, with 32 and himself in a small Barke,"... discovered Elizabeth's Isle.... "Three weekes we spent in building vs there a house." Josselyn (*Voyages to New England*, 1675, p. 152,) says, "The first English that planted there,...Gosnold,...1602,...set down not far from the Narraganset Bay." pp. 207-213, he gives an account of "the people in the province of Main," in 1670. Hubbard (*General History of New England*, 1682, Harris' ed. 1848, p. 10,) says, "All hopes of settling another plantation....lay dead for the space of twelve years,...when they were revived again by the valiant resolution and industry of Capt. Bartholomew Gosnold and Capt. Bartholomew Gilbert,...1602." Harris (*Voyages*, London, 1725, i. 850,) says, "Captain Gosnoll arrived first at the northern parts of Virginia, ...*fix'd his residence*...on Elizabeth island, ...*built a fort*;"...and speaks of "the affairs of the Plantation." Stith (*Hist. of Virginia*, 1747, pp. 32, 35, 38,) says, "The project of a colony lay dead for nearly twelve years, when it was revived by Capt. Bartholomew Gosnold, ...the first mover and projector of the whole business, ...who named Elizabeth's Island in honor to their ancient sovereign, ...*built a house, ...resolved to stay, ...obliged to leave*." Hutchinson (*Hist. of Massachusetts*, i. 9, 10,) says, "I begin with the voyage of Bartholomew Gosnold,...1602, who built a fort and intended a settlement." Bozman (*History of Maryland*, i. 99-103, 125, 126,) says that after Raleigh's attempts, it was not until 1602.... that any voyage of importance was undertaken by the English to North America....Gosnold sailed from Falmouth,...and at Buzzard's Bay....found a fit place for a plantation, built a fort and store house....the voyage is said to have had important effects....Hakluyt was induced to project in 1603 a similar voyage... through his unremitting endeavors, or, as some will have it, through the zeal and exertions of Capt. Bartholomew Gosnold, who had made the successful voyage of experiment in 1602, an association was formed in England

\* *Hist. Dist. of Maine*, 71, 73, 287.

† *Amory's Life of Sullivan*, i., chap. ii., xvii.

‡ But see his "Defence" in Mr. Folsom's valuable "Documents" relating to Maine, 109-187.

to colonize some part of North America,.... and was chartered by the king, April 10, 1606. Brodhead (*Hist. of New York*, pp. 6, 8, 71,) says, "The reign of Elizabeth did not terminate before another step had been taken in the path of American adventure....Gosnold and Gilbert's voyage, 1602,....they prepared to plant a colony,....twenty were to become planters....South of the St. Lawrence, not a foot of American territory had yet been permanently occupied by England or France.... Raleigh's enterprises and Gosnold's successful voyage had given a strong impulse to the national spirit of Great Britain."

Palfrey (*Hist. of New England*, i. 73.) says that by Gosnold, in 1602, "the first attempt at European Colonization was made within what is now the State of Massachusetts." Folsom (*Hist. of Saco and Biddeford*, 1830, pp. 9, 10,) says, "The discovery of New England may be justly ascribed to Bartholomew Gosnold..1602..the colonists made preparation for a permanent abode, built a store house and fort, the remains of which may still be seen....from Florida to Greenland not one European family could be found." Willis (*Hist. of Portland, in Maine Hist. Coll.*, i. 5,) says that prior to 1603 there had been made "three attempts to settle Virginia, and one in 1602, by Gosnold, to plant a colony on the Southern coast of Massachusetts." Belknap (*American Biography*, article, "Gosnold,") says, it was "the first attempt to plant a colony in North Virginia." Chief Justice Marshall, (*Life of Washington*, i., 20, 22,) says, "If any subsequent voyages were made by the English to North America, they were for the mere purposes of traffic, and were entirely unimportant in their consequences, until the year 1602, when one was undertaken by Bartholomew Gosnold, which contributed greatly to revive in the nation the heretofore unsuccessful, and then dormant spirit of colonizing in the new world." Bancroft (*Hist. of U. S.*, chap. iii.) says, "in 1602 Bartholomew Gosnold,....conceiving the idea of a direct voyage to America, with the concurrence of Raleigh, had well nigh secured to New England the honor of the first permanent English Colony....here, (on Elizabeth Island) they built their store house and their fort, and here the foundations of the first New England Colony were to be laid." The ruins of their fort are still visible. *Belknap's Amer. Biog.*, *Life of Gosnold*. *Barry's History of Mass.*, i., 11. *Thornton's Landing at Caps Anne*, 21. *Palfrey's Hist. of New England*, i., 73.

D.—p. 143.

Gosnold intended a settlement. One of his colonists, Mr. John Brereton, published on his return to England in the same year, 1602, a "True Relation" of this "Discovery of the North part of Virginia," addressed to Sir Walter Raleigh, who held the territory by grant from Queen Elizabeth, and by whose "permission" this attempt was made. Gabriel Archer, "a gentleman in said voyage," also wrote a "Relation" of the voyage, and from them we learn that "Captain Gosnold, with the rest of his company, being twenty in all," of whom were Brereton and Archer, were to "remain there for population," and that this "our company of inhabitants," after "counsel about our abode and plantation, which was concluded to be on the west part of Elizabeth's Island"... "built a fort and made ready our house for the provision to be had ashore to sustain us till" the return of their hark the "Concord," Capt. Bartholomew Gilbert, with further supplies from England. But when, say they, "we divided the victuals, namely for the ship's stores for England, and that of the planters," the supply was found insufficient, and the "company of inhabitants,".... "determined to return for England, leaving this island, (which Capt. Gosnold called Elizabeth's Island,) with as many true sorrowful eyes, as were before desirous to see it.... When we came to an anchor before Portsmouth," (Gosnold's letter to his father,) "we had not one cake of bread, nor any drink, but a little vinegar left."

We have also the testimony of another contemporary, William Strachey, in his *Historie of Travaile into Virginia*, edited for the Hakluyt Society, 1849, by R. H. Major, Esq., of which chapters v. vi. are devoted to Gosnoll's expedition. Strachey says that after Sir Walter Raleigh's "five severall" unsuccessful attempts at Colonization, "for seventeen or eighteen yeares together, yt lay neglected, untill yt pleased God at length to move againe the heart of a great and right noble earle amongst us,... Henry Earle of Southampton, to take yt into consideration, and seriously advise how to recreate and dipp yt anew into spirit and life; who....having well weighed the greatness and goodness of the cause, he lardgeley contributed to the furnishing out of a shipp to be commanded by Capt. Bartholomew Gosnoll and Capt. Bartholomew Gilbert, and accompanied with divers other gentlemen, to discover convenyent place for a NEW COLONY to be sent thither, who accordingly, in March, anno 1602, from Falmouth in a

bark of Dartmouth, called the Concord, sett forward, holding a course for the north part of Virginia.... Capt. Gosnoll did determine, with eleven more besides himself, [Archer says twenty,] who promised to *tarry with him, to sitte downe and fortifye*, purposing to send the pynance home into England by Capt. Gilbert, for new and better preparations, to be returned the next yeare againe, and for the same purpose he built a large house.... much commended was the diligence and relation of Capt. Gosnoll," which induced the Earl of Southampton "with his brother in lawe Tho. Arundell, Baron of Warder" to send out Weymouth on his voyage of 1605. "Upon his returne, his goodly report joyning with Capt. Gosnoll's, caused the business with see prosperous and fair starres to be accompanied.... yt well pleased his majestie.... to cause his letters to be made patent... 10 April, 1606, ...for two colonyes," the London and Plymouth colonies. *Purchas' Pilgrims*, iv., 1646—1653. *Mass. Hist. Col.*, xxviii., 69—123.

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E.—p. 3.

"Disastrous," because it placed the *nationality* of the country in the utmost hazard. *The President and council of New England*, in their *Brief Relation*, published in 1622, say, "Our people abandoning the plantation in this sort.... the Frenchmen immediately took the opportunity to settle within our limits, which being heard by those of Virginia, that discreetly took to their consideration the inconveniences that might arise by suffering them to harbor there, they dispatched Sir Samuel Argall with commission to displace them, which he performed." *Purchas' Pilgrims*, iv., fol. 1828. The same is stated by Gorges' *America painted to the Life*, London, 1659, p. 19. "They abandoned the colonie and returned for England in those ships that had been sent them with succours, at which unexpected return, the Patrons of the designe were so offended, that for a certaine time they desisted from their enterprises, in the mean while the French making use of this occasion, placed colonies in divers places, until such time as Argall coming from Virginia disturbed their designs, overthrew their Colonies, and brought away Prisoners, all he could lay hand on." Another says, "their coming home so discouraged all the first undertakers, that here seemed to be a full stop to the New England affair, and there was now no longer so much as any discourse about settling a plantation. The English thus, as it were, quitting their pretensions to that country, the French pres-

ently came and made theirs, fixing themselves within our limits."

Such was the sequence of this unhappy attempt by Chief Justice Popham, to cleanse England by colonizing the North with men "pressed to that enterprize, as endangered by the Law," yet, in opposition to these contemporary official statements, Mr. Poore, in the *Christian Mirror*, September 16, 1862, ventures the assertion, that "the Popham settlement" actually "determined whether New England should pass under the dominion of Protestant England, or of Roman Catholic France." Further he styles it "the *primal act of possession of the Country*," nay, loftier yet, "the *consummation of the title of England to the New World*"! and thus asserts "its true historic position regardless of its *theological character*;" why not add, and of its *moral relations*? Now it is a matter of common school learning, that the "*primal act of possession*," was by Sir Humphrey Gilbert, in 1583, under his patent from Queen Elizabeth and Popham's attempt to realize at Sagadahoc, the *peculiar system of colonization* "first invented" by him, was simply one of the *intermediate and cumulative acts of possession*, between 1583, and the *permanent occupation* at Jamestown in 1607, and at Plymouth in 1620, showing the intent of the English Crown to *perfect the title by discovery, by possession*. *Johnson v. McIntosh*, 8 *Wheaton's Rep.*, 583. *Story's Commentaries on the Constitution*, Chap. i. *Kent's Commentaries, Lecture LI.*

As the *mode of exercising the royal prerogative*, whether by grants to individuals, as Gilbert, Raleigh, or Baltimore, or to resident Corporations, as the London, Plymouth, or Massachusetts Companies, could not touch the rights of their several colonies to protection under the flag of England, all ultimately resting in the Crown, it is obvious that any pretence of superiority or significance, of one above another, by reason of these accidental differences, is wholly fallacious, as affecting their *nationality*. Thus the acts of possession by Gilbert, Gosnold or Popham, were of equal value, as instances of national jurisdiction.

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F.—p. 4.

The real history of Segadahoeck is given in "The Mapp and Description of New England," pp. 30—32, published in 1630 by Sir William Alexander, Earl of Stirling, the Patentee of Nova Scotia, who lived 1580—1640. (*Allibone's Dictionary*.) His interest in New England colonization was, he says "much encouraged by Sir Ferdinando Gorge and some others of

the undertakers for *New England*." His account is that "Sir John Popham then Lord Chief Justice sent out the first company" [next after Gosnold's in 1602,] "that went of purpose to inhabit there neer to *Segadahoeck*, but those that went thither being pressed to that enterprize, as endangered by the Law, or by their own necessities, no enforced thing proving pleasant, they after a Winter stay, dreaming to themselves of new hopes at home." [the Chief Justice, their "hanging judge" being dead,] "returned backe with the first occasion, and to iustifie the suddenesse of their returne, they did coyne many excuses, burdening the bounda" [country] "where they had beene with all the aspersions that possibly they could devise, seeking by that meanea to discourage all others, whose proud forwardnes importuning a good successe, might make their base sluggishnesse for abandoning the beginning of a good worke, to be the more condemned." Concurrent with this is the testimony of *Anthony Wood*, 1632—1695, *Athene Ozonienses*, ed. 1721, i., 342, ed. 1815, ii., 22, who says that Popham "administered towards malefactors with wholesome and available severity....for the truth is, the land in his day did swarm with thieves and robbers, whose (wayes and courses he well understood when he was a young man,) and that he "was the first person....who invented the plan of sending convicts to the plantations, which, says Aubrey, he 'stockt out of all the gaoles in England.'"

Thomas Fuller, 1608—1661, an attentive observer of American affairs, and the reputed author of the "Holy and Profane State," 1642, says in the article "Of Plantations," "If the planters be such as leap thither from the gallows, can any hope for cream out of scum, when men send, as I may say, Christian savages to heathen savages? It was rather bitterly than falsely spoken concerning one of our Western plantations, consisting most of dissolute people, that it was very like unto England, as being spit out of the very mouth of it." The same author, in his *Life of Popham*, *Worthies of England*, 1662, ed. 1811, ii. 284, says that "in the beginning of the Reign of King James, his [Popham's] Justice was exemplary on Theeves and Robbers. The land then swarmed with people who had been Souldiers, who had never gotten (or else quite forgotten) any other vocation...idle mouths which a former War did breed; too proud to begge, too lazy to labour. These infected the Highwayes with their Feloniae."

Another biographer of Popham, (Lloyd,

1635—1691, chaplain to Barrew, Bishop of St. Asaph,) *States Worthies*, ed. 1766, ii. 45—47, uses the language of Fuller, just quoted, and adds, "Neither did he onely punish malefactors, but provide for them....he first set up the discovery of *New England* to maintain and employ those that could not live honestly in the Old; being of opinion that banishment thither would be as well a more lawful, as a more effectual remedy against those extravagancies; the authors whereof judge it more eligible to hang than to work; to end their days in a moment, than to continue them in paine," and then, citing a passage of *history* from Lord Bacon's Essay "Of Plantations," in the same connection with Popham and his convict colony, Lloyd concludes therewith, as follows: "Only a great Judgment [Bacon] observed, it is a shameful and an unblessed thing, to take the scum of people, and wicked and condemned men, to be the people with whom to plant; and not onely so, but it spoyleth the plantation, for they will live like rogues, and not fall to work, and do mischief, and spend victuals, and be quickly weary, and then certifye over to the country, to the disgrace of the Commonwealth."

Strachey dedicates his *Historie* to Lord Bacon as "ever approving himself a most noble faoutour of the Virginian Plantation, being from the begining (with others Lorda and Earles) of the principals Counsell applyed to propagate and guide yt." The article "Of Plantations" first appears in the edition of the "Essays," of 1625. *Ellis & Spedden's ed. of Lord Bacon's Works*. Even without the evidence of Lloyd that this passage had a special aim at the Popham Colony, the history fits so well in all its parts, as if made purposely for it, that none, familiar with the original but would admire the fidelity of the picture. These distinct and concurrent statements of Gorges, Alexander, and the several biographers of Popham, as to the specific design of this Colony, and the character of the planters, present it in a new, curious and interesting light. Though transportation was not mentioned in the Statutes, *eo nomine*, till the 18th Charles II., chap. 3, by which the judges are authorized to transport the moso troopers of Cumberland and Northumberland to the settlements in America, not to the North, yet *exile* is generally supposed to have been introduced as a punishment by the Statute 39th Elizabeth, 1598. *Encyclopedia Metropolitana*, xxv., 727; *Enc. Brit.* 1859, xviii., 576, art. *Prison Disciplines*. Section xvi. of this statute provides that "Wandering Souldiers and Mariners, and all others



wandering as Souldiers or Mariners which will not settle themselves to work . . . shall in all these caaes suffer as Felons, without benefit of clergy." And section V. provides that incorrigible rogues shall be *baniſhed* "to such parts beyond the Seas, as shall by six or more of the Privy Council for that purpose be assigned." *Wingate's Abridgement*, 1670, 558, 560. This is the class of persona mentioned by Sir Ferdinando Gorges, *Maine Hist. Coll.*, ii. 16,—as furnishing "the reasons" for the Popham Colony, and for whose benefit, Lloyd says, Popham "invented the plan." He was appointed Chief Justice of the King's Bench, in 1592, and probably\* the Statute was enacted at his suggestion. As far as known to Chalmers—*Political Annals of America*, 1781, p. 46,—this was first enforced in 1619, when King James wrote to the Treasurer and Council, commanding them "to send a hundred dissolute persons to Virginia, whom the Knight Marshall shall deliver to them." Probably a more critical inquiry would have furnished Chalmers with earlier instances, as appears by the foregoing authorities.

But such was not to be the unhappy fate of New England; the winter at Sagadahoc was cold; Gilbert, the "Admiral," hastened home to prove his brother'a will; Seymour, "the preacher," found, perhaps, a more hopeful charge; all hopes of "mynes," or gold, was dead; Popham, the "President," was dead—Popham, the Judge, terrible to "vagabonds," was dead—and they of Sagadahoc, "*pressed to that enterprize as endangered by the Law. . . suddenly abandoned*" the country, leaving it to the nobler mission of the "May Flower," 1620, the chosen theme of philosophers, statesmen, poets, painters, and historians. Chief Justice Popham died June 10th, 1607, before any tidings from his "convicts" at Sagadahoc reached him, but the *peculiar* colonial policy, "invented" by him, happily and forever defeated in the North, was fully adopted in the Southern Colony.

In a work entitled "*Nova Britannia*, offer-

\* Since writing the above, an examination of D'Ewes' Journal of Parliament, fol. 531-543, more than confirms my conjecture, and shows that Popham himself was the real framer of the Act. It was before Parliament two months, Dec. 5, 1597—February, and after consideration by several Committees of Conference of the two Houses, which Chief Justice Popham was "appointed to attend," specially in this matter and many Amendments which he was "required to consider," "The Bill for Punishment of Rogues, Vagabonds, &c.," was brought into the House by the Lord Chief Justice [Popham] with certain Amendments," &c.

ing most Excellent fruites by planting in Virginia," published in London in 1609, and dedicated to Sir Thomas Smith, "one of his Maiesties Councill for VIRGINIA," is this passage: as for "people to make the plantation wee neede not doubt; our land abounding with swarms of idle persons, which having no meanes of labour to releuee their misery, doe likewise swarme in lewd and naughtie practices, so that if we seeke not some waies for their forreine employment, we must prouide shortly *more prisons and corrections* for their bad conditions, . . . most profitable for our State, to rid our multiudes of such as lie at home, pestering the land with pestilence and penury, and infecting one another with vice and villanie, worae than the plague itself: whose very miseries driues many of them, by meanes to be cutte off, as had and wicked members, or else both them and theirs to be releueed at the common charge of others. Yet I do not meane, that none but such unsound members, and such poore as want their bread, are fittest for this employment."

Mr. Major in his preface to Strachey's *Historie*, p. xxxii., gives a letter from "that rank 'High-Churchman,'" Lord Delaware, in Virginia, dated at "Jamestown, July 7, 1610," in which the writer speaks of the colonists as "men of such distempered bodies and infected mindes, ~~whome~~ no examples dayly before their eyes, either of goodneea or punishment, can deter from their habitual impieties, or terrifie from a shameful death." Chalmers, the historian, quotes the king's command in 1619 "to send a hundred dissolute persons to Virginia whom the knight marshall shall deliver." Capt. John Smith, in his *New England's Trials*, 1622, in a "digression" about Virginia, says, "since I came from thence, the *honorable Company* have bin *humble suiters* to his Maiestie to get *vagabonds* and *condemned men* to go thither; nay, so much scorned was the name of *Virginia*, some did *chuse* to be *hanged* ere they would go thither, and were. . . yet. . . there is more honest men *now* uters to go, than ever hath bin *constrained knavea*."

Dr. John Donne, the poet, Dean of St. Paul's, in a sermon "preached to the Honourable Company of the Virginian Plantation, 13 November, 1622," 2d edition, London, 1624, pp. 21, 22, said, "the Plantation shall redeeme many a wretch from the Lawes of death, from the hands of the executioner. . . It shall aweepe your streetes, and wash your doores, from idle persons, and the children of idle persons, and imploy them; and truly, if the whole Country were but such a *Bride*-

well, to force idle persons to work, it had a good use. But it is already not only a Spleene, to drayne the ill humors of the body" politic. Sir Josiah Child, in his Discourse of the Trade of the Plantations, London, 1668, says that, "Virginia and Barbadoes were first peopled by a sort of loose vagrant People....had it not been for our Plantations, they must have come to be hang'd, or starved....or sold for soldiers."

Such was the policy, the philanthropy, the people, which Popham had in view for the North, but God averted the evil. "The Planter's Ples," published in 1830, in behalf of the Massachusetts Colony, considering "what persons may be fit to be employed in this works of planting a colony," says, "It seems to be a common and grosse error, that Colonies ought to be Emunctories, or sinkes of States; to drayne sway their filth,...this fundamentall error hath been the occasion of the miscarriage of most of our Colonies." The writer argues that the colonists should "bee of the more sufficiency, because the first fashioning of a politicke body is a harder task than the ordering of that which is already framed," and such the Colonists of the North were. The shortion at Sagadshocke was the first, the last, the only attempt of the English corporation to fasten a moral pestilence on our northern shores. The deplorable results of the system in the South, are very mildly stated in Bancroft's *Hist. U. S.*, vol. i., chap. xiv. John Randolph, of Roanoke, mourned over the ruin of its "aristocracy," effected by the legislation of Thomas Jefferson and Patrick Henry, in the Spirit of the Revolution.

G—pp. 4, 6.

Their story about suffering was discredited by Gorges and his associates. Mr. Sewall (*Ancient Dominions of Maine*, 98—95) speaks of their "lawlessness and recklessness" and finds "sufficient reason for their early departure" in their outrages upon the natives; indeed, except those killed by the exasperated savages, only one, George Popham, died, but even that, says Gorges, "was not so strange, in that he was well stricken in years before he went, and had long been an infirm man.... The miseries they had passed were nothing to that they suffered by the disastrous news of the death of the Lord Chief Justice"!—*Maine Hist. Coll.*, ii., 22. They returned in the very ships that were "sent to them, with succors," and which had "arrived in good season," "laden full of victuals, arms, instruments and tools," and when "all things were in

good forwardness" in the colony.—*Broadhead's New York*, 14, 15, 64. *Maine Hist. Coll.*, ii., 21, 22. Mr. Folsom, of New York, pertinently remarks, "How superior was the spirit exhibited twelve years after by the Pilgrim emigrants at Plymouth, nearly half of whose number perished within four months after their landing, yet animated by a settled religious purpose, no one of the survivors entertained a thought of relinquishing their design. Had a tith of their energy and resolute spirit animated the Kennebec colonists, whose resources were so much superior, a more grateful task might have awaited the pen that should relate the story of this enterprise. The Massachusetts colonists scarcely suffered a less mortality than the Pilgrims, although they arrived early in summer."—*Discourse before the Maine Hist. Soc.*, 1846, *Hist. Coll.*, ii., 31. The only direct report we have from the Colony is a letter of December 13, 1607, as follows: "At the feet of His Most Serene King humbly prostrates himself George Popham, President of the Second Colony of Virginia....if it may please you to keep open your divine eyes,...there are in these parts ....nutmegs and cinnamon,...Brazilian cochineal and smbergis,...and these in great abundance."(!) Your "admirable justice and incredible constancy....gives no small pleasure to the natives of these regions, who say moreover that there is no God to be truly worshipped but the God of King James, [not of the French,] under whose rule and reign they would gladly fight." With all this very credible information, the "most observant" Popham says nothing of "extremities" of cold; perhaps a prudent silence, considering the "nutmegs and cinnamon....in greatest abundance," in this latitude. The original, "in barbarous Latin," with translation, is in *Maine Hist. Coll.*, v., 357—360. [See also note K.]

H.—p. 4.

In his *Holy Warre*, written in 1622, Lord Bacon, a good "churchman," says: "It cannot be affirmed (if one speak ingenuously) that it was propagation of the Christian faith that was the Adamsant of that discovery, entry, and plantation, [of English America,] but gold, silver, and temporal profit and glory, so that what was first in God's providence, was but second in man's appetite and intentions." In his introduction to Strachey's *Historie*, Hakluyt Society, 1849, p. ix., Mr. Major says: "It is to be deplored, however, that gold, and not the permanent establish-

ment of the Colony, appears to have been the predominant incentive, inasmuch as according to Chalmers, the Company's instructions which were sent with this Expedition, *imperatively* required that the interior should be explored for gold; and threatened that in the event of failure, the colonists 'should be allowed to remain as *banished men* in Virginia.'" Bancroft (*Hist. U. S.*, i., ch. iv.) says, "It was evident a commercial, not a colonial establishment was designed by the projectors." So that Popham's simple idea of a mining speculation by enforced convict labor, as attempted at Sagadahoc in 1607, was a general characteristic. Too much stress may be laid on their stereotyped professions of "true zeal of promulgating God's holy church... to be their sole interest." See *Church of England and American Discovery*, Portland, 1863, p. 5.

I.—p. 4.

In his *Lives of the Chief Justices of England*, ed. 1849, vol. i., pp. 209, 210, 219, 229, Lord Campbell, Chief Justice of the Queen's Bench, devotes many amusing pages to Popham's memory. The biographer says: "It seems to stand on undoubted testimony that at this period of his life, [his thirtieth year] besides being given to drinking and gaming,—either to supply his profligate expenditure, or to show his spirit, he frequently sallied forth at night from a hostel in Southwark, with a band of desperate characters, and that planting themselves in ambush on Shooter's Hill, or taking other positions favourable for attack and escape, they stopped travellers, and took from them not only their money but any valuable commodities which they carried with them,—boasting that they were always civil and generous, and that to avoid serious consequences, they went in such numbers as to render resistance impossible.... If Popham's *raids* had been a little later, they might have been imputed to the First Part of Henry IV., which must have had at least as much effect as the Beggar's opera, in softening the horror excited by highway robbery.... Although at one time in the habit of taking *passes* on the highway,—instead of expiating his offences at Tyburn, he lived to pass sentence of death upon highwaymen, and to be a terror to evil-doers, all over the kingdom.... He left behind him the greatest estate that had ever been amassed by any lawyer, but it was not supposed to be honestly come by, and he was reported even to have begun to save money when the 'Road did him Justice.'.... His portrait represented

him as a 'hudge, heavy, ugly man,' and I am afraid he would not appear to great advantage in a sketch of his moral qualities, which, lest I should do him injustice, I will not attempt. In fairness, however, I ought to mention that he was much commended in his own time for the number of thieves and robbers he convicted and executed.... He was notorious as a 'hanging judge.'.... Both Lord Holt and Chief Justice Hyde considered his 'Reports' as of no authority. We should have been much better pleased if he had given us an account of his exploits when he was Chief of a band of free-booters." Fuller, *Worthies of England*, 1662, ed. 1811, ii., 284, says: "In his youthful dayes he was as stout and skilful a man at *Sword and Buckler*, as any in that age, and *wild enough in his recreations*," and significantly adds, "But, Oh! if *Quicksilver* could be really *fixed*, to what a treasure it would amount!" The concurrent testimony of writers of all times renders but one verdict of his private and public life. *Enc. Brit.* xviii. 1859, article *Popham*. See also *Barrington on the Statutes*, 1796, 537.

J.—p. 4.

The late Macey Napier, editor of the *Edinburg Review*, in his admirable essay on Sir Walter Raleigh, reprinted, 1853, p. 185, says "The Lord Chief-Justice Popham, before pronouncing sentence, addressed Raleigh in one of those unwarrantable harangues, in which the elevation and impunity of the judgement-seat have often, in bad times and by unworthy natures, been taken advantage of to insult the defenceless. In particular, he adverted, in the ranting phraseology peculiar to such places and occasions, to an imputation which Raleigh seems, most unjustly, to have incurred, of being an atheist. 'You have been taxed by the world,' said this dignified dispenser of Justice, 'with the defence of the most heathenish and blasphemous opinion, which I list not to repeat, because Christian ears cannot endure to hear them, nor the authors and maintainers of them be suffered to live in any Christian Commonwealth. You shall do well, before you go out of this world to give satisfaction therein; and let not *Harriot* or any such doctor persuade you there is no eternity in heaven, lest you find an eternity of hell torments.' The man thus maligned is the author of some of the most striking observations in the language on the being and attributes of the Deity, the grandeur and immortality of the soul, and the Christian religion. The other object of this barbarous attack—the more barbarous as

being directed against an absent and unconcerned individual—has left a distinguished name in the annals of scientific discovery. Their robed accuser, who was doubtless told by his flatterers that he had acquitted himself nobly in administering such a rebuke, is only remembered by the anecdote hunters of his day as having, in his earlier years, been a taker of purses, and in those of his judicial life, a taker of bribes!" *Stith's Virginia*, 1747, p. 76, speaks of him as "memorable to all posterity for his infamous partiality and injustice in the trial of Sir Walter Raleigh."

K.—p. 4.

"IT DISCOURAGED COLONIZATION."

Capt. John Smith, (*Gen. Hist.* fol. 204,) says: "Thus this plantation was begunne and ended in one yeare, and the Country esteemed as a cold, barren, rocky Desert....for any plantations there was no more speechea." "The arrival of these people here in England was a wonderful discouragement to all the first undertakers, insomuch as there was no more speech of settling any other plantations in those parts for a long time after." *Plymouth Council's Relation*, 1622, in *Mass. H. C.* xix, 2. "The country was denounced as uninhabitable.....Gorges was unable to persuade the Company to undertake the planting of a second colony." *Folsom's Saco and Biddeford*, 22. It "raised prejudices against the Northern coast, which checked the spirit of colonization and discovery, and threw back the settlement of the coast for a number of years." *Willis's Portland in Maine*, *Hist. Col.* 7. "The last unsuccessful attempt." *Palfrey's New England*, i, 78. "Checked for a season the ardor of the Plymouth Company." *Barry's Massachusetts*, i, 18. "Their disappointed principals, vexed with their pusillanimity, desisted for a long time after from any further attempts at colonization....in fact, no subsequent English colonization ever took place under the Plymouth Company." *Brodhead's New York*, 14, 15, 64: see also note G.

L.—p. 5.

Chief Justice Marshall (*Introduction to the Life of Washington*, i, 86-98,) says that "To [religion] a stronger motive than even interest, a motive found to be among the most powerful which can influence the human mind, is New England indebted for its first establishment. A sect obnoxious by the democracy of its tenets respecting church government...exasperated by a privation of those blessings derived from the complete enjoyment of the rights of conscience, and the full

exercise of all the powers of self-government... religion stimulated them to emigrate from their native land and constituted the first object of their care in the country they had adopted....they discarded all ceremonies deemed useless....the cold was severe, the privations almost universal....in the course of the winter nearly half their number perished....the fortitude of the survivors was not shaken, nor were their brethren in England deterred from joining them. Religion supported the colonists under all their difficulties; and the then intolerant spirit of the English hierarchy, at the head of which was placed the rigid Laud, exacting a strict conformity to its ceremoniae, diminished, in the view of the Puritans in England, the dangers and the sufferings to be encountered in America, disposed them to forego every other human enjoyment, for the consoling privilege of worshipping the Supreme Being according to their own opinions."

Hildreth (*History of the United States*, i, 158,) says, "The whole of North America, as claimed by the English, was thus divided into the two provinces of New England and Virginia, by a line of demarcation very nearly coincident with that which still separates the slaveholding from the non-slaveholding states. Not, however, by the wealthy and powerful Council for New England, but by a feeble band of obscure religionists was the first permanent settlement made within the limits of this new province."

Sir Ferdinando Gorges' *Brief Relation*, in *Maine Hist. Coll.*, ii, 41, the chief in these affairs, says, that to the Virginia Company, hopeless and impoverished, and "forced to hearken to any propositions," it was suggested "how necessary it was that means might be used to draw into these enterprises some of those families that had retired themselves into Holland for scruples of conscience," and that their one condition precedent was "giving them such freedom and liberty as might stand with their likings." Major, *Introduction to Strachey's Historie*, xix., says, "It was not till after 1620, after so many abortive efforts had been made both by Government and powerful bodies, to form an establishment in North Virginia, that at length it received, under unexpected circumstances, an influx of settlers, which soon rendered it by far the most prosperous of all the colonies in North America. This was the emigration of a large [small] band of Puritans, who suffering under the intolerance of the English government, on account of nonconformity, first passed into

Holland, and afterwards found an asylum in America. Hutchinson, (*History of Mass.*, 1767, ed. 1795, ii., 412,) says, "The settlement of Plymouth occasioned the settlement of Massachusetts, which was the source of all the other colonies of New England. Virginia was in a dying state, and seemed to revive and flourish from the example of New England. I am not preserving the names of heroes, whose chief merit is the overthrow of cities, provinces and empires, but the names of the founders of a flourishing town, and colony, if not of the whole British empire in America."

Milton, (*Of Reformation in England*, 1641, in Works, Bohn's ed., 1848, ii., 399,) says: "What numbers of faithful and freeborn Englishmen, and good Christians, have been constrained to forsake their dearest homes, their friends and kindred, whom nothing but the wide ocean, and the savage deserts of America could hide and shelter from the fury of the bishops? O, sir, if we could but see the shape of our dear mother England, as poets are wont to give a personal form to what they please, how would she appear, think ye, but in a mourning weed, with ashes upon her head, and tears abundantly flowing from her eyes, to behold so many of her children exposed at once, and thrust from things of direst necessity, because their consciences could not assent to things which the bishops thought indifferent? What more binding than conscience? what more free than indifference?" Robertson, (*History of America*, Book x.) says: "The Puritans maintained that the rites of the established Church were inventions of men, superadded to the simple and reasonable service required in the Word of God; that from the excessive solicitude with which conformity to them was exacted, the multitude must conceive such an high opinion of their value and importance, as might induce them to rest satisfied with the mere form and shadow of religion, and to imagine that external observance may compensate for the want of inward sanctity; that ceremonies which had been long employed by a Society manifestly corrupt, to veil its own defects, and to seduce and fascinate mankind, ought now to be rejected as relics of superstition unworthy of a place in a church which gloried in the name of Reformed.... The desire of a further separation from the Church of Rome spread wide through the nation.... as all their motions were carefully watched, both by the Ecclesiastical and Civil Courts, which, as often as they were detected, punished

them with the utmost rigour, a bevy of them, weary of living in a continual state of danger and alarm, fled to Holland." In America "the privilege of *professing their own opinions, and of being governed by laws of their own framing*, afforded consolation to the colonists amidst all their dangers and hardships.... Their system of civil government was founded on those ideas of the natural equality among men, TO WHICH THEIR ECCLESIASTICAL POLICY HAD ACCUSTOMED THEM."

Daniel Webster said, in 1820, commemorating the landing of the Pilgrims, 1620, "Before they reached the shore, they had established the elements of a social system, and, at a much earlier period, had settled their forms of religious worship. At the moment of their landing, therefore, they possessed institutions of government, and institutions of religion; and friends and families, and social and religious institutions, established by consent, founded on choice and preference, how nearly do these fill up our whole idea of country! The morning that beamed on their first night of repose, saw the Pilgrims established in their country. There were political institutions, and civil liberty, and religious worship. Poetry has fancied nothing, in the wanderings of heroes, so distinct and characteristic. Here was man, indeed, unprotected and unprovided for, on the shore of a rude and fearful wilderness: but it was politic, intelligent and educated man. Everything was civilized but the physical world. Institutions containing in substance all that ages had done for human government, were established in a forest. Cultivated mind was to act on uncultivated nature; and more than all, a government and a country were to commence with the very first foundations laid under the divine light of the Christian religion. Happy auspices of a happy futurity! Who would wish that his country's existence had otherwise begun." Even Hume (*Hist. of England*, v. 134.) says, "The precious spark of Liberty had been kindled and was preserved by the PURITANS alone; and it was to this sect that the English owe the whole freedom of their constitution." These ideas, inaugurated in the New World by the "solemn combination as a body politic," in the cabin of the *May Flower*, the Ark of American Liberty, were endorsed by the People, July 4, 1776, and are NOW REAFFIRMED, as for "all men," in this second birth of the Nation, January 1, 1863, the logical sequence of the first.

But Chillingworth thinks it not "charity to cloy the reader with uniformity, when the

subject affords variety," and so we add that this view of the Puritans and Puritan emigration to the North, uniformly concurred in by philosophers, historians and statesmen, of different opinions, lands and eras, has been recently converted, with equal modesty, learning, and courtesy, by the Hon. John A. Poor, the Orator of the Popham Celebration. He says, (*Christian Mirror*, Portland, Sept. 22, 1862,) "It is a stale assumption,....an absurd notion, long since exploded,....that the British race owe to them [the Puritans] the great principles of civil and religious liberty....that they *pretended* to flee from England for liberty of conscience,....came to America not to enjoy religious freedom,.... without any design of forming a government, and with no purpose originally except trade and fishing,....the pretence that their objects [at Plymouth] were *different* from those that came to Sagadahoc, or that they were influenced by higher motives, is an arrogant assumption, unworthy of credence by any *enlightened* mind," and then modestly avers that "if there is any truth more clearly established at this day, than any other, it is this, that the motives and purposes of the Popham colony were *higher* than those of the Plymouth settlers, or of the Massachusetts Puritans." Here is sufficient confidence, but the evidence is quite invisible; and naked assertion, without proof, is impertinent. In his "Oration," Mr. Poor quotes Sir William Alexander, that Popham "sent the first company [next after Gosnold's of 1602] that went to inhabit there neere to Sagadahoc," but suppresses the rest of the very pertinent and significant sentence, showing the distinctive and peculiar character of Popham's scheme, that they were "*pressed* to that enterprize as *endangered by the law*, or their necessities, *enforced*," &c., yet the Orator warmly affirms of the "Celebration," that its "*only purpose* was to give the Popham colony its *true historic position*, regardless of its *theological character*." Certainly the suppressed *fact*, known to the Orator, to whom all looked for the truth, was the great essential feature of Popham's scheme, and could be justly offensive to no lover of truth, not to those whose "*only purpose* was to give the Popham colony its *true historic position*," and its suppression can hardly be deemed in harmony with the spirit of a purely historical occasion, free from the infection of party, the ruffle of passion, that "hateth the light." Doubtless the suppression was an *inadvertence*, yet very extraordinary, much as to present Hamlet w<sup>th</sup> Hamlet left out; for the *fact*,

however trifling or unsatisfactory to the Orator's mind, contained the *moral* that would most affect his audience.

ITS "THEOLOGICAL CHARACTER."—Upon the presumption that colonists speak the language and take with them the institutions of the mother-land, the worship at Sagadahoc, as at the prior colony of Gosnold, 1602, must have been of the English Ritual as then *enforced* by the Court of High Commision,\* or prior to Laud's improvements or alterations. Would not Popham's exemplary and scrupulous life, and the atoning zeal of his later days against crime, dissent and Puritanism, even unto death, lead *him* to exclude from his beloved fold any disciple of Paul, heretic, schismatic, or other "fellow persuading men to worship God contrary to Law"? Ought not the peculiar character and previous history of his hopeful colonists to effectually relieve *them* from suspicion of the taint of Puritanism? Still the silence of Strachey on this point, painful to recent denominational aspiration for historical position in American annals, has prompted learned research as to the exact legal form of worshiping God, duly authorized in this initial enterprize of English deportation for crime. It is a consoling thought that their worship was probably not only legally

\* Differing not in character was the Star Chamber Court, of which *Lord Clarendon's History* says, "the foundations of right were never more in danger to be destroyed," "for which reason," (*Blackstone's Commentaries*, lv., ch. 19, 33,) "it was finally abolished," by the Puritans, "to the general joy of the whole nation."...The just odium into which this tribunal had fallen before its dissolution, has been the occasion that few memorials have reached us of its nature...except such as on account of their enormous oppression are recorded in the histories of the times...It was armed with powers the most dangerous and unconstitutional, over the persons and properties of the subject." In 1769, one of the Judges on the King's Bench, (lv. *Burrow's Rep.*, 2373, 5,) rebuked counsel for citing the "edicts of that imperious Court" which by "the terrors of their authority...supported outrages that no body could submit to...a Court, the very name whereof is sufficient to blast all precedents brought from it." Yet there is extant a denominational class of writers who effect respect for it, as if for an ancient ally; the Rev. John Cotton, perhaps the most venerable name of our colonial period, narrowly escaped the Star-Chamber terrors, and his recent biographer, as if less in sympathy with his great subject than with the infamous tribunal, speaks of it as that "once honored but now maligned court"! (*The Church Monthly*, 1863, p. 45.) With happy judgment, of equal value, the uoclean Bonner and Gardiner may yet be named as those "once honored but now maligned, bishops." The drift is that way.

done, but that the "preacher," Richard Seymour, may have been a cadet of the "ducal" house of Somerset, a possibility no doubt helpful to their devotions; much as Izaak Walton commended the fish,—“I would have you take notice of it, because it is a rarity, and of so high esteem with persons of great note.”

Though wanting direct proof, the premises admit, of course, of no moral doubt, that Popham's colonists, though here because they "were endangered by the Law" at home, were very intelligent, scrupulous and unflinching defenders of the "Apostolic succession," men so devout that they "would have periled the very existence of the company," rather than yield an iota of their "high and holy faith" in sacerdotal vestments, and simple arithmetic proves that this notably religious company of "missionaries" visited Sagadahoc, exactly "thirteen years before the landing of the colony on Plymouth Rock;" a splendid precedence.

Strachey's *Historie* has been disparaged by Mr. Perry as a "second hand....account of their proceedings," because he makes "no special mention" of "the Episcopal character of both preacher and people," but, we say, note rather that but for Strachey's "special mention" of "aermon" and "preacher," the presumption, from the bad character of Chief Justice Popham, and his convict people, would be that they had no religion at all, unless of compulsory formalities. Mr. Perry admits the "doubt" in the case, yet with resolution goes so far as to give "the very words made use of [?] 255 years ago by Richard Seymour, Presbyter of the Church of England." May be, may be not; Strachey does not say it. Again, that Seymour was "a Presbyter of the Church of England" must rest on *proof*, not on *assertion*. Strachey does not say it. But, suppose he was, still he may have had a Geneva, not an Episcopal ordination, as Parliament and the Head of the Church in her wisdom had recognized its validity—(Hopkins' *Puritans and Queen Elizabeth*, "ordination")—perhaps with reason, for Chillingworth "proved it plainly impossible that any man should be so much as morally certain, either of his own priesthood or any other man's," by Episcopal ordination, in which uncertainty those "miserable sinners" at Sagadahoc might, as Chillingworth says, "have the ill luck to be damned." (*Religion of Protestants*, Bohn's edit., 1846, 115—117, 448. Perry's *Church of England and American Colonization*, Portland, 1863, p. 6.)

The words "preacher" and "aermon," not "homily," certainly have a tinge of Puritanism, (*Maine Hist. Coll.* v., 160,) as the distinguishing protestant Christian element of the times. Thua in Strype's *Life of Grindal*, (B. i., chap. xvi., B. ii., chap. viii., and appendix ix.,) we find the petition of some of the London Separatists, in 1569:—"certaine of us poor men of this city were kept in prison one whole year....because we would serve our God by the rule of his holy word, without the vain and wicked ceremonies and traditions of Papiatry...and hear such preachers whom we liked best of in the city....By these means we were driven at the first to forsake the churcha and to congregat in our houaea." Grindal "well perceived the ignorance of the clergy, and the great need there was of more frequent preaching for the instruction of the people in the grounds and truths of religion,...in the knowledge of the Scriptures," but his Puritan sympathy was "sharply" rebuked by the Head of the Anglican Church, for she declared to him, "it was good for the Church, [if not for the people,] to have few preachers, and that three or four might suffice for a county; the reading of the homilia to the people was enough....and commanded him "to abridge the number of preachers and put down the religious exercises." She, heedless of his memorable and excellent letter (Dec. 20, 1576) to her that "public and continual preaching of God's word is the ordinary mean and instrument of the salvation of mankind," "wrote to the Bishops throughout England," (May 8, 1577,) to imprison and "sharply" punish these offenders as "maintainers of disorders;" so the Puritans suffered. At the Hampton Court Conference, 1604, the Puritan Dr. Raynolda "prayed that all Parishes might be furnished with preaching ministers," upon which Bancroft, Bishop of London "fell upon his knees....and humbly prayed that the clergy might be obliged to read homilies instead of sermons, which have grown so much in fashion that the aervice" [Papiatry] "of the Church is neglected, and pulpit harangues are very dangerous." (Neal's *Puritans*, ed. 1843, i., 230—232.)

The books abound in such illustrations of the fierce hostility of the dominant Anglican—"Catholic" hierarchy to the free study of the Scriptures by the people and "clergy." A "church" writer, enulogized by his sect, says "the peculiarities of Puritanism...it was in short the Protestantism of England...were more or less remotely connected with the un-restricted use of the Holy Scriptures....the

cause of all manner of infidelity. *Protestantism trained its children into infidelity. The pulpit...in the Puritan Sanctuary...awalled up altar, priest and sacrifice...the preacher was regarded above the priest, the sermon above the sacrament.* (Oliver's *Puritan Commonwealth*, 169, 398, 486-493.) Yet a recent profound critic impeaches the sentence—"the preacher and the sermon already detested in England," 1607, as "a loose statement," because forsooth, "preachers" are named in the "formularies" of that denomination, and Latimer preached at Paul's cross. (Perry's "*Church of England and American Colonization*," Portland, 1863, p. 7.) Because of his "sermons," Latimer expired in the flames kindled by the Romish hierarchy, exclaiming, "*We shall this day light such a candle by God's grace in England, as I trust shall not be put out.*" The Puritans fed that holy light of Christian Liberty by their sermons, which the Anti-thinking, Anti-Puritan, Anglican-Roman hierarchy as heartily "detested," as the Papal hierarchy hated Latimer's preaching; and keeping alive the fire of Smithfield, as late as 1611, four years after the abortion at Sagadahoc in 1607, they there burnt alive Bartholomew Legate, "of unblamable conversation," because he "searched the Scriptures daily whether those things were so," and, like Paul, worshiped God "after the way which they called heresy." (Brooks' *Puritans*, i. 66.) Chillingworth says they invented "devices how men may worship images without idolatry, and kill innocent men, under pretence of heresy, without murder."

Puritanism quenched those prelatial fires. The Pilgrim, mighty and obedient in the Scriptures, landed at Plymouth, and his ideas rule evermore.

The established automatic "reader" of drowy "homilies" landed in Virginia, with the "upholatery of holiness," solemn sights and heavenly sounds, where Governor Berkeley, known as a rigid and consistent "churchman," wished his clergy "would pray oftener and preach less,....for learning has brought disobedience and heresy and sects into the world, and printing has divulged them.... Thank God here are no free schools nor printing, and I hope we shall not have, these hundred years." In 1683, Governor Effingham's order was "to allow no person to use a printing-press on any occasion whatsoever." Their apt successor, Governor Giles, was equally

earnest against the education of the people. (*Richmond Enquirer*, Jan. 1818.) The disease was hereditary. (Thomas' *Hist. of Printing*, ii. 142, 148.)

Not to the hierarchal "reader" of homilies, but to the Huguenot, the congener of the Puritan, belongs, it is said, the noble record of the first Christian worship, and the first Christian chapel in New England, at Neutral Island, 1604, and thus this great distinction belongs to the Annals of Maine. *Maine Hist. Coll.*, vi., 175 3.

*Inscriptions at Fort Popham, translated.*

"THE FIRST COLONY  
ON THE SHORES OF NEW ENGLAND  
WAS FOUNDED HERE,  
AUGUST 19TH, O. S., 1607,  
UNDER GEORGE POPHAM."

"IN MEMORY OF  
GEORGE POPHAM,  
WHO FIRST FROM THE SHORES OF ENGLAND  
FOUNDED A COLONY IN NEW ENGLAND,  
AUGUST, 1607.

HE BROUGHT INTO THESE WILDS  
ENGLISH LAWS AND LEARNING, AND THE  
FAITH AND THE CHURCH OF CHRIST.  
HE ONLY, OF THE COLONISTS,  
AND IN HIS OLD AGE, DIED  
ON THE 5TH OF THE FOLLOWING FEBRUARY,  
AND WAS BURIED NEAR THIS SPOT.

UNDER THE AUSPICES OF  
THE MAINE HISTORICAL SOCIETY,  
IN THE FORT BEARING HIS NAME,  
AUGUST 29, 1862,  
IN THE PRESENCE OF MANY CITIZENS,  
THIS STONE WAS PLACED."

[NOTE.—With what utter astonishment and incredulity would this memorial strike that interesting company of banished men, "pressed to that enterprise as endangered by the Law," and as enemies to society at home, and animated solely by "the hope of mynes," or their great *exemplar* and "patron," Chief Justice Popham! Is there not reason to believe that the MAINE HISTORICAL SOCIETY could not, and did not intend to, give its *imprimatur* to such a statement, as true either in fact or spirit,—that it was by some mishap that they should seem to sanction formally, or tacitly, such an historical infelicity? I should think myself wanting in that respect which I owe to the Society, and in their loyalty to historic truth, if I did not submit to the Society's judgment the facts and authorities here presented at large, and upon which this note is based.—J. W. T.]







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Colonial schemes of Popham and Gorges :



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